

the mandates of the Obama health care law.

Since October of 2010, the Obama administration has granted over 1,500 annual benefit limit waivers. Now they are granting them for 3 years. These waivers now cover over 3.4 million Americans. So the law and the mandates don't have to apply to them with regard to the benefits. Whom have over 50 percent of these waivers gone to? They have gone to union people, people who have gotten their health care through a union health plan. These are the same people who supported the President's health care law. It is startling that even unions cannot afford the President's law.

Remember NANCY PELOSI saying: First, we have to pass it before you get to find out what is in it. As more and more Americans have found out what is in the health care law, they say we do not want this to apply to us. In fact, the Service Employees International Union said the law would be financially impossible; that it is financially impossible for them to comply with. I don't think any job creator or American family should have to bear financially impossible costs because of the President's health care law. Each time this administration releases yet another round of its health care law waivers, it reminds the American people how fatally flawed the President's new law is.

As the President prepares for his speech tomorrow night, he needs to take a hard look at his health care law. He needs to face the unfortunate reality that his law actually makes it harder and more expensive for the job creators of this country to hire more people. We need to make it easier and cheaper for the job creators in this country to create private sector jobs, but yet the President's health care law makes it harder and more expensive. Tomorrow night, the President needs to change direction. Instead of giving waivers to businesses and unions, he should announce that all Americans can get a waiver from his health care law.

The good news is, I have a bill he can support immediately. My bill will allow any individual—any American citizen—to submit a waiver application seeking relief from any or all of the health care law's mandates. The waivers will be granted to individuals showing that the health care law is either increasing their health care premiums or decreasing their access to benefits. The bill is simple. It is straightforward. It is S. 1395. It is called the Waive Act, and there are 16 cosponsors in the Senate. Basically, it says, if a person's costs go up or their benefits go down, they have the freedom to get out of the President's health care law. Health insurance premiums have risen 19 percent since President Obama took office.

Tomorrow night, the President should announce that he will allow all Americans an opportunity to opt out of his health care law. If he did, this

would be one of the best steps he could take to help America's economy. That is why I come to the floor, week after week, with a doctor's second opinion about a health care law that I believe is hurting our country.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DEBT CRISIS

Mr. SESSIONS. Madam President, the debt crisis has become a jobs crisis. There is no doubt in my mind that the debt we have now incurred is already weakening our economy. The gross Federal debt has increased by almost \$5 trillion since President Obama took office, surging past 100 percent of our gross domestic product—100 percent of the size of the economy.

Academic research shows this level of debt is already costing us 1 million jobs a year. Our debt is destroying growth and confidence in the economy. More borrowing—more borrowing—will only make matters worse. But according to the Associated Press in an article today, the President's job plan will add another \$300 billion to the debt.

This is the article by David Espo:

The economy weak and the public seething, President Obama is expected to propose \$300 billion in tax cuts and Federal spending Thursday night to get Americans working again.

I would say that is what he says will get the American people working again. But we have already borrowed all we can borrow without damaging the economy. It has come to a point where we can't keep borrowing in a futile attempt to stimulate the economy when the increased debt itself is weakening the economy.

The article goes on to say this:

According to people familiar with White House deliberations, two of the biggest measures in the proposal for 2012—

that begins October 1 of this year, fiscal year 2012—

are expected to be a one-year extension of the payroll tax for workers and an extension of expiring jobless benefits. Together those two would total about \$170 billion.

It goes on:

The White House is also considering a tax credit for businesses that hire the unemployed. That could cost about \$30 billion. Obama has also called for public works projects, such as school construction. Advocates of that plan have called for spending of \$50 billion . . .

on school construction. I don't think school buildings are the problem with our education right now, and when we don't have any money, we have to be careful about borrowing more to spend.

It goes on to say—and this is significant:

Though Obama has said he intends to propose long-term deficit reduction measures to cover the up-front costs of his jobs plan, White House spokesman Jay Carney said Obama would not lay out a wholesale deficit reduction plan in his speech.

In other words, he won't lay out a plan that would pay for it.

So this is where we are heading, it seems to me.

Remember the big debate we had over the debt ceiling that ended just before our August recess at the eleventh hour and the 59th minute. We remember how much spending reductions it would call for in the next fiscal year: \$7 billion. That is how much we would actually cut spending next fiscal year: \$7 billion. And this plan has called for over \$300 billion in spending anew, not paid for. We are already in debt. We are already borrowing 40 cents of every dollar we spend, and we are going to add another \$300 billion in spending, not paid for, borrowed, every penny of it. At some point, this country gets to a position where we cannot continue to borrow without damaging the economy. It is that simple. Americans understand it. As one man told me in Evergreen, AL: you can't borrow your way out of debt. You cannot borrow your way out of debt. We have reached and gone past that limit, in my opinion.

In order to have the kind of robust growth we desperately need, we must remove the looming threat of a Greek-like debt crisis. We must do so. This debt has a chilling effect throughout our economy. Indeed, a European banker just a few days ago said this feels like 2008, and that gained quite a bit of traction because people were feeling that, but nobody was saying it, and he was quoted all over the business channels about 2008 and the crisis we might be facing.

But the President has refused to do anything to actually reduce the surge in spending that he has engineered, nor have our Senate Democratic colleagues here in the Senate. The House proposed a sound budget plan that would reduce spending over the next 10 years and change the debt trajectory of America, but we spent almost \$8 trillion here in the Congress since the Senate Democratic majority has passed a budget—861 days. In fact, the Lewis and Clark expedition lasted 860 days. We have passed that now, without having a budget. That is a do-nothing record. It just is.

At a time of national crisis, we have a failure of leadership in the Senate and in the Presidency, in my opinion. President Obama has never once looked the American people in the eye and told them the bitter truth about the economic dangers we are facing and how much work must be done to get us back on a sound, secure path. It is hard to ask a people to sacrifice. It is hard to ask the American public to make tough choices if the President, our

leader, will not affirm that we need to make these choices because it is a serious threat to America. Admiral Mullen, who is the Chairman of the Joint Chiefs, has stated that the greatest threat to our security is the national debt. Every expert tells us that the greatest threat to our country is the debt. In my opinion, it dwarfs any other threat this Nation faces. Yet according to the Associated Press, the President's speech is going to talk about spending and nothing about how to deal with the debt, or nothing significant about that.

So the rhetoric needs to confront reality. The President has given a number of speeches about creating jobs and reducing the deficit. But a speech is no substitute for a budget or for a detailed plan. The only plan the President has ever put on paper—the only plan that can be reviewed by the press, the public, and Congress—is his February budget. He reaffirmed that plan last week, sending Congress a midsession review that made no policy changes in his budget he submitted earlier. He had the 500-person Office of Management and Budget staff working for him. Is it too much to ask for a real plan? Whatever he may say on Thursday night, on paper—officially—he remains committed to this budget plan that grows the debt by about \$12 trillion and raises taxes by about \$2 trillion. What it does is it increases spending and increases taxes significantly, but the increase in spending is greater than the increase in taxes. So the net result is that the President's plan makes the budget projections we have from the Congressional Budget Office worse than they would be if we didn't have this budget plan.

America needs the confidence that only a concrete plan can provide. The constant threat of more Federal taxing, borrowing, and regulating undermines confidence, certainty, and predictability in our economy, that which our economy so desperately needs.

This isn't a question simply of ideology; it is a question of leadership. We need and have to grow the economy, not the government. We need to grow the economy. America needs a budget plan that recognizes a core truth. Our Nation's strength does not lie in the size of our government, but in the scope of our freedoms and in the creativity of our people. We need to focus on policies that unleash the enormous productive potential of the private sector. We need to focus on policies that remove instability fostered by the President's refusal to put forward a coherent economic plan that will actually reduce debt, not make it worse, and that would end the threat of high taxes and improve conditions for our job creators. Instead of the failed tax-and-spend approach the voters rejected in the last election, we need to focus on policies that create jobs—not more bureaucracy—helping to steady the economy in these difficult, uncertain times. That would include such things as en-

ergy production. We have definitely damaged and delayed significantly the production of energy in the gulf far beyond what was necessary. Only now is it beginning to come back. We are having incredibly increased regulations of every kind on our economy, and we have failed to undertake the kind of serious tax reform that could help create growth and productivity. So these are very dangerous things.

I wish to remind our colleagues that the debt problem can't all be blamed on President Bush. I was a critic of some of his spending programs. But, for example, in the last 3 years of President Bush's plans compared to the first 3 years of President Obama's, he has increased spending for education 67 percent. His budget for the next fiscal year beginning October 1, which was defended a few weeks ago in the Appropriations Committee, calls for a 13.5-percent increase in the Education Department. His budget plan calls for a 10.5-percent increase in the Energy Department. I affectionately call them the Department of Anti-Energy, the Anti-Energy Department. The State Department is looking at a 10.5-percent increase. At a time when we are borrowing 40 cents of every dollar we spend, how can this be reality? Now we are talking about \$300 billion which will be thrown in on top of this to stimulate the economy again. I hope and trust there are some things the government can do to improve the economy, but I am afraid we are at a point where borrowing more money is not one of them.

Look what the Europeans have done. They are facing a similar crisis. Do they think they should borrow more and spend more? Is that what they are doing? No. They are taking their medicine. Italy is attempting to pass a \$65 billion austerity plan that would balance their budget by 2013. The budget the President submitted to us does not even come close to balancing in 10 years. In fact, the projected annual 1-year deficit under the President's plan for the tenth year of his 10-year budget is \$1 trillion plus. The highest budget deficit President Bush ever had was \$450 billion. He will average almost \$1 trillion a year—\$1,000 billion average—over 10 years. The interest payment last year was \$240 billion. The CBO projects in the tenth year after President Obama has doubled the deficit based on his budget, interest in 1 year will be \$840 billion, crowding out things such as aid to education, which is \$100 billion, Federal aid to highways, \$40 billion.

We cannot continue on this path. Italy is making a change. What about Spain? These are three of the so-called "PIGS" in Europe, the ones that are in financial trouble. Spain is planning a constitutional amendment and complementary law that will require close to balanced budgets at the Federal and State levels and to limit Federal debt to 60 percent of their economy. The enacted austerity plan reduces salaries of

public sector workers and cuts public sector spending.

Portugal has a 4-year consolidation plan that will reduce Federal spending by 7 percent of GDP and would balance the budget by 2015. We have no plan to balance the budget, nothing close to it. Indeed, the plan the President has submitted to us—and I am not exaggerating. This is in the record books. We have the two-volume budget he sent to us, and it has been analyzed by the Congressional Budget Office. It will average \$1 trillion a year in deficits, which I suppose is why, when I brought it up, the Senate voted 97 to 0 to reject the budget. We do not have one. That is the only one that is pending.

Our Democratic colleagues cancelled the budget markup in the Budget Committee in which I am the ranking Republican—we never even pretended to produce a budget this year. Senator REID, the majority leader, said it would be "foolish" to do so.

So we are now looking at a crisis that involves millions of Americans, the jobs they, hopefully, have now and hope to continue, and those who have lost their jobs. Unemployment has almost doubled. So we are facing a difficult time. I know the pressure is on to just do something so we can politically say we did something. But that is not sufficient now. We need mature, strong, detailed leadership, a detailed plan that will put us on a path to a sound economy.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SESSIONS. We need a plan. I hope the President will do more than the article in the newspaper says and provide the kind of specific leadership that can help us move forward from the economic difficulties we face.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### LEAHY-SMITH AMERICA INVENTS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1249, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of H.R. 1249, an act to amend title 35, United States Code, to provide for patent reform.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, every time I hear discussion about how we balance the budget, especially coming from the other side of the aisle—maybe because I have been here long enough—I remember the last time we did balance the budget during President Clinton's term. We balanced the budget. We